

**Congress of the United States**  
**Washington, DC 20515**

June 23, 2023

The Honorable Lina M. Khan  
Chair  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chair Khan,

We write to you today as Members of Congress to submit our public comment regarding the Commission's proposed updates to the "Negative Option Rule." We are pleased to see the Commission take the feedback of Americans in order to help make the consumer experience more transparent and less burdensome.

The FTC's aim to combat deceptive practices around subscriptions and media marketing is critical, and needed in this day and age. According to the FTC, negative options "allow a seller to interpret a customer's silence, or failure to take an affirmative action, as acceptance of an offer." With modern media marketing, too many Americans are subscribing to services and products they did not intend to subscribe to, did not mean to renew, or simply forgot about subscribing to. The current FTC Negative Option Rule does not account for media marketing in all current forms, which has allowed companies to take advantage of consumers and increase their profit through misinterpreted silence.

Additionally, when consumers realize they've been taken advantage of and wish to opt out, they are often met with complicated cancellation policies. As a result, businesses have had no incentive to make cancellations simple and easy in the same way they make signing up for their products purposefully painless.

The FTC proposal requires sellers of all kinds to have a simpler cancellation mechanism, taking the burden of cancellations off the consumers. We agree with the FTC that easy cancellation is an essential feature of a fair and non-deceptive marketplace, and support the "Click to Cancel" policy, or the requirement that the cancellation mechanism "be at least as simple as the one used to initiate the charge or series of charges."

The proposed updates will help put the consumers back in control of their purchases and subscriptions without undue burdens and complications. We believe that the marketplace will adapt to these rules and

find success in gaining customers in a fair and transparent way. We also support clear FTC rules that will provide both businesses and consumers with a consistent framework across all media markets.

As Members of Congress, we have heard countless times from our constituents about the need to change this dark pattern, and we welcome the Commission's updates to the Negative Option Rule as a step in the right direction.

We look forward to seeing the updates adopted by the Commission, and remain open to working with you on any additional legislative remedies necessary to protect consumers from unwanted subscriptions and purchases.

Sincerely,



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Adam B. Schiff  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress